

Decision 16-09-054 September 29, 2016

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of San Diego Gas and Electric Company (U 902 E) for Authority to Implement Optional Pilot Program To Increase Access To Solar Generated Electricity.

Application 12-01-008  
(Filed January 17, 2012)

And Related Matters.

Application 12-04-020  
Application 14-01-007

**DECISION AWARDING INTERVENOR COMPENSATION TO THE UTILITY  
REFORM NETWORK FOR SUBSTANTIAL CONTRIBUTION  
TO DECISIONS 15-01-051 AND 16-05-006**

<b>Intervenor: The Utility Reform Network</b>	<b>For contribution to Decisions (D.) 15-01-051, 16-05-006</b>
<b>Claimed: \$213,614.54</b>	<b>Awarded: \$213,614.54</b>
<b>Assigned Commissioner: Michael Picker</b>	<b>Assigned ALJ: Michelle Cooke</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief description of Decision:</b>	<p><u>Decision 15-01-051</u> This decision begins the implementation of Senate Bill (SB) 43 and the formal requirement for the three large electrical utilities to implement the Green Tariff Shared Renewables (GTSR) Program. The decision adopts requirements for the first three phases of the proceeding relating to indifference between participating and non-participating ratepayers, approves modified GTSR programs for each of the three utilities, and establishes minimum advance procurement goals.</p> <p><u>Decision 16-05-006</u> The decision refines the GTSR program adopted in D.15-01-051 to modify the size of eligible Enhanced Community Renewables (ECR) projects, to direct the three utilities to hold two Renewable Auction Mechanism solicitations a year for ECR projects, to adopt a forecasting methodology for a 20-year estimate of bill credits and charges, and to resolve all remaining issues in Phase IV of the proceeding.</p>
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**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	June 27, 2012	Verified.
2. Other specified date for NOI:	See Comment #1	
3. Date NOI filed:	July 24, 2012	Verified.
4. Was the NOI timely filed?		Yes, The Utility Reform Network (TURN) timely filed the notice of intent to claim intervenor compensation.
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	A.12-01-008	Verified.
6. Date of ALJ ruling:	December 5, 2012	Verified.
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		Yes, TURN demonstrated appropriate status.
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	A.12-01-008	Verified.
10. Date of ALJ ruling:	December 5, 2012	Verified.
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes, TURN demonstrated significant financial hardship.
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.16-05-006	Verified.
14. Date of issuance of Final Order or Decision:	May 19, 2016	Verified.
15. File date of compensation request:	July 18, 2016	Verified.
16. Was the request for compensation timely?		Yes, TURN timely filed the request for intervenor compensation.

**C. Additional Comments on Part I (use line reference # as appropriate):**

#	Intervenor's Comment(s)	CPUC Discussion
1	<p>TURN filed NOIs in each of the three proceedings that were ultimately consolidated. TURN's first NOI was filed on July 24, 2012 in A.12-04-020 (PHC held on June 27, 2012). TURN's second NOI was filed on October 15, 2012 in A.12-01-008 (PHC held on October 5, 2012). TURN's third NOI was filed on April 4, 2014 in A.14-01-007 (PHC held on March 10, 2014).</p> <p>A.12-01-008 and A.12-04-020 were consolidated pursuant to an Assigned Commissioner's Ruling issued on July 31, 2013. These two proceedings were additionally consolidated with A.14-01-007 pursuant to a ruling of Administrative Law Judge Richard Clark issued on April 1, 2014.</p> <p>The Commission issued a ruling in A.12-01-008 on December 5, 2012 finding TURN eligible to claim compensation and making a showing of significant financial hardship. The Commission did not issue a formal ruling on TURN's NOIs in the other two proceedings.</p>	Verified. TURN is eligible for compensation in the consolidated proceeding.

**PART II: SUBSTANTIAL Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059).**

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p><b>1. PG&amp;E / SETTLEMENT</b></p> <p>TURN opposed PG&amp;E's original application that would have relied entirely on short-term purchases of tradable Renewable Energy Credits (RECs) to provide a voluntary renewable energy product to its customers. TURN prepared testimony opposing PG&amp;E's proposed approach and outlining an alternative involving the purchase of bundled renewable energy from new facilities under long-term contracts with subscribers charged a unique generation rate based on the actual procurement cost from these facilities. TURN proposed that subscribers would pay program administrative costs and other costs needed to ensure ratepayer indifference. TURN also proposed that PG&amp;E apply for the retirement of carbon</p>	<p><u>Testimony of John Sugar on behalf of TURN on PG&amp;E's Green Option Program, A.12-04-020, October 18, 2012</u></p> <p><u>Joint Motion of PG&amp;E, TURN, CCUE, the Black Economic Council, NAAC, Latino Business Chamber of Greater Los Angeles, Sierra Club California, and California Clean Energy Committee to Adopt Settlement, A.12-04-020, April 11, 2013</u></p> <p><u>Rebuttal testimony of Matthew Freedman on the Green Tariff Shared Renewables Program Applications of PG&amp;E and SDG&amp;E, A.12-04-020/A.12-01-008, January 21, 2014, pages 1-2.</u></p> <p><u>Opening brief of TURN on the Applications of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, A.12-04-020/A.12-01-008, March 21, 2014, pages 1-3.</u></p>	Verified.

<p>allowances associated with these voluntary sales under the Air Resources Board Voluntary Renewable Energy Program.</p> <p>TURN entered into settlement negotiations with PG&amp;E and a number of other parties and actively negotiated to reach an agreement. In April of 2013, TURN joined a coalition of parties submitted a settlement proposal under which PG&amp;E would abandon its original proposal and pursue a program that included virtually every element outlined in the alternative approach described in TURN's testimony. The settlement was ultimately treated as the proposed PG&amp;E GTSR program for evaluation and adoption by the Commission and practically all elements of the proposal were adopted in the final decision including the basic structure of procuring bundled renewable energy projects, offering a fixed rate to subscribers, the collection of indifference charges, the creation of an external advisory group, a cooling off period for customers, a shareholder backstop for administrative and marketing costs not recovered from subscribers, a renewable integration charge, a solar value adjustment, reporting requirements and participation in the CARB Voluntary Renewable Energy Program. All of these provisions of the settlement were adopted in the final Decision.</p>	<p><u>D.15-01-051, pages 12-13, 19, 25, 50, 51, 84, 87, 93, 111, 119, 121</u></p>	
<p><b>2. PROCUREMENT / ADVANCE PROCUREMENT</b></p> <p>TURN urged the Commission to direct all three IOUs to engage in advance procurement of resources to serve GTSR subscribers.</p>	<p><u>Rebuttal testimony of Matthew Freedman on the Green Tariff Shared Renewables Program Applications of PG&amp;E and SDG&amp;E, January 21, 2014, pages 2-6.</u></p>	<p>Verified.</p>

<p>TURN explained that the absence of advance procurement would mean that actual renewable resource development to serve GTSR customers would significantly lag subscriber demand. TURN also pointed to the significant benefits of the federal investment tax credit that was expected to be available only for projects coming online by the end of 2016. TURN further recommended that advance procurement be conducted as part of the RAM 6 solicitation for each IOU.</p> <p>The Decision orders each utility to engage in specific amounts of advance procurement to address the multi-year timeline for development new renewable generation and to ensure that sufficient capacity is procured to meet demand in a timely fashion rather than “perpetually lagging behind demand.” The Decision agrees with TURN that “additionality” is critical for the success of the program and notes that capacity brought online by the end of 2016 would be eligible for the Investment Tax Credit. The Decision orders advance procurement to occur in the RAM 6 auction as proposed by TURN. Each of the rationales provided for ordering advance procurement is consistent with the arguments made by TURN in testimony and briefs.</p>	<p><u>Opening brief of TURN on the Applications of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, March 21, 2014, pages 18-21</u></p> <p><u>Direct Testimony of Matthew Freedman on the Green Rate Application of SCE, April 11, 2014, pages 6-7</u></p> <p><u>Opening brief of TURN on the Application of SCE for approval of a Green Tariff Shared Renewables Program, May 2, 2014, pages 13-15</u></p> <p><u>Opening brief of TURN Addressing Renewable Procurement and Cost Issues Raised by Decision 14-11-042, December 18, 2014, pages 3-5.</u></p> <p><u>D.15-01-051, pages 25-28, 32-33</u></p>	
<p><b>3. PROCUREMENT / BID SELECTION CRITERIA</b></p> <p>TURN opposed SDG&amp;E’s proposal to limit its selection to bids not more than \$4/MWh above the weighted average price for all other solar bids shortlisted in the RAM solicitation. TURN</p>	<p><u>Rebuttal testimony of Matthew Freedman on the Green Tariff Shared Renewables Program Applications of PG&amp;E and SDG&amp;E, January 21, 2014, pages 12-15.</u></p> <p><u>Opening brief of TURN on the Applications</u></p>	<p>Verified.</p>

<p>urged the use of a reasonableness standard for determining whether GTSR bid pricing is acceptable.</p> <p>The Decision agrees with TURN's recommendation to reject SDG&amp;E's approach and instead allow IOUs to use "reasonableness" as the standard for determining the cost-effectiveness of a bid for new resources to serve GTSR customers received in a solicitation.</p>	<p><u>of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, March 21, 2014, pages 21-23.</u></p> <p><u>D.15-01-051, pages 37-38</u></p>	
<p><b>4. PROCUREMENT / PORTFOLIO COMPOSITION</b></p> <p>TURN supported the use of existing renewable energy resources already in IOU portfolios to serve initial GTSR subscribers and argued this approach would benefit non-participating customers. In response to concerns raised by Marin Clean Energy regarding the need for clear cost allocation and ratepayer indifference, TURN suggested that the IOUs be required to identify which existing resources are allocated to the GTSR portfolios.</p> <p>The Decision agrees with TURN about the use of existing resources and approves the IOU proposals to rely on specific projects in their portfolios to initially serve GTSR subscribers.</p>	<p><u>Opening brief of TURN on the Applications of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, March 21, 2014, pages 9-10</u></p> <p><u>Reply brief of TURN on the Applications of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, April 9, 2014, pages 11-12</u></p> <p><u>D.15-01-051, pages 42-43, Conclusion of Law 10.</u></p>	<p>Verified.</p>
<p><b>5. PROCUREMENT / RPS BACKSTOP</b></p> <p>TURN argued that SB 43 requires any unsubscribed energy associated with new renewable procurement on behalf of GTSR customers to be allocated to the non-participant ratepayer energy portfolio and applied to Renewables Portfolio Standard requirements. TURN outlined the</p>	<p><u>Rebuttal testimony of Matthew Freedman on the Green Tariff Shared Renewables Program Applications of PG&amp;E and SDG&amp;E, January 21, 2014, pages 6-11.</u></p> <p><u>Opening brief of TURN on the Applications of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, March 21, 2014, pages 16-18</u></p>	<p>Verified.</p>

<p>difficulty of assessing the exact impacts of this backstop on non-participants and pointed out that no party criticizing the backstop has offered a workable method for calculating the net rate impacts.</p> <p>The Decision agrees that SB 43 requires utilities to use the RPS backstop method for any overprocurement on behalf of GTSR subscribers. The Decision further agrees with TURN that the determination of net impacts on non-participants is difficult and that no party has identified a “reasonable, practicable, definitive method for determining a price difference.”</p>	<p><u>Reply brief of TURN on the Application of SCE for approval of a Green Tariff Shared Renewables Program, May 9, 2014, pages 3-4</u></p> <p><u>D.15-01-051, pages 47-50.</u></p>	
<p><b>6. PROCUREMENT / SCE PROPOSAL FAILS TO SATISFY ADDITIONALITY</b></p> <p>TURN urged the Commission to reject SCE’s procurement and portfolio proposal as unreasonable and inconsistent with SB 43. TURN argued that the proposal fails the additionality test and would not produce any incremental renewable power to serve subscribers. TURN urged the Commission to require dedicated procurement comparable to the approaches proposed by PG&amp;E and SDG&amp;E.</p> <p>The Decision agrees with TURN and finds that SCE’s proposal “fails to meet the additionality requirements of SB 43”. The Decision requires SCE to restructure its GTSR program to promote additional resources consistent with the approaches approved for SDG&amp;E and PG&amp;E.</p>	<p><u>Direct Testimony of Matthew Freedman on the Green Rate Application of SCE, April 11, 2014, pages 2-6, 8-11</u></p> <p><u>Opening brief of TURN on the Application of SCE for approval of a Green Tariff Shared Renewables Program, May 2, 2014, pages 3-16</u></p> <p><u>D.15-01-051, pages 25-26</u></p>	<p>Verified.</p>
<p><b>7. ENHANCED COMMUNITY RENEWABLES / CITY OF DAVIS</b></p> <p>TURN argued that SB 43 does not</p>	<p><u>Opening brief of TURN on the Enhanced Community Renewables Proposal of</u></p>	<p>Verified.</p>

<p>authorize the City of Davis to administer its own GTSR program and does not allow for the bill crediting arrangement proposed by the City.</p> <p>The Decision agrees that SB 43 did not intend to create a separate program managed by the City of Davis and rejects the proposal to apply a different rate structure to apply to projects eligible for the City of Davis reservation.</p>	<p><u>PG&amp;E, May 5, 2014, pages 7-8</u></p> <p><u>Reply brief of TURN on the Enhanced Community Renewables Proposal of PG&amp;E, May 9, 2014, pages 2-4</u></p> <p><u>D.15-01-051, pages 74-78.</u></p>	
<p><b>8. ENHANCED COMMUNITY RENEWABLES / PG&amp;E PROPOSAL</b></p> <p>TURN express concerns about PG&amp;E’s proposed Enhanced Community Renewables program, noting that there is a weak linkage between customer interest and subscription and particular local projects. TURN urged the Commission to provide more time for PG&amp;E to develop the specifics for viable program. TURN also urged the Commission to allow the structure to evolve over time and to consider modifications through an advice letter or petition to modify the final decision.</p> <p>The Decision agrees with TURN that PG&amp;E’s proposal does not provide for a direct project-customer link and fails to provide an adequate role for local communities. The Decision also agrees with TURN that more specifics are necessary in order to approve a program for PG&amp;E customers. The Decision directs PG&amp;E to submit additional details in a subsequent advice letter filing.</p>	<p><u>Opening brief of TURN on the Applications of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, March 21, 2014, pages 26-28.</u></p> <p><u>Opening brief of TURN on the Enhanced Community Renewables Proposal of PG&amp;E, May 5, 2014, pages 1-5</u></p> <p><u>Reply brief of TURN on the Enhanced Community Renewables Proposal of PG&amp;E, May 9, 2014, page 1</u></p> <p><u>D.15-01-051, pages 60-61</u></p>	<p>Verified.</p>

<p><b>9. ENHANCED COMMUNITY RENEWABLES / BILL PRESENTMENT</b></p> <p>In comments on the Proposed Decision, TURN expressed concern about the proposal to include an identical charge and credit on the bill of ECR subscribers, noting that this mechanism is likely to confuse customers. TURN urged the Commission to ensure that the bill presentment does not mislead or confuse customers.</p> <p>The Decision agreed with TURN’s concern and included a table from TURN’s comments, noting “TURN’s illustrative example is useful in understanding the charges and credits applicable to the customer under the ECR basic transaction structure approved in this decision, and we include it for reference.” The Decision states “we agree with TURN that bill presentment should not be confusing” and directs the IOUs to develop a bill format that clarifies the treatment of these charges and credits.</p>	<p><u>Opening comments of TURN on the Proposed Decision of ALJ McKinney, January 20, 2015, pages 1-3.</u></p> <p><u>D.15-01-051, pages 65-67</u></p>	<p>Verified.</p>
<p><b>10. PROGRAM DESIGN / DURATION</b></p> <p>TURN argued that although the statutory provisions enacted in SB 43 sunset on January 1, 2019, the Commission has sufficient general authority to allow the GTSR programs to continue past that date. TURN pointed out that the Commission has historically exercised its general authority to approve voluntary utility program offerings without any specific statutory authorization. TURN urged the Commission to reject ORA’s proposal that new applications be filed to extend the</p>	<p><u>Opening brief of TURN on the Applications of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, March 21, 2014, pages 5-6</u></p> <p><u>Reply brief of TURN on the Applications of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, April 9, 2014, pages 3-5</u></p>	<p>Verified.</p>

<p>programs and instead allow any utility to extend its existing program, and allow new enrollments after 2019, through the filing of a Tier 3 Advice Letter.</p> <p>The Decision affirms TURN's view that nothing in SB 43 prohibits the Commission from continuing to authorize voluntary programs and, as pointed out by TURN, notes that such programs have previously been approved without any specific statutory authorization. The Decision agrees with TURN and rejects ORA's proposal for new applications to be filed in 2018. The Decision also adopts TURN's recommendation to allow the use of a Tier 3 Advice Letter to extend or terminate the programs after 2019.</p>	<p><u>D.15-01-051, pages 81-82.</u></p>	
<p><b>11. PROGRAM DESIGN / ADMINISTRATIVE AND MARKETING COSTS</b></p> <p>TURN supported the proposal included in the partial settlement for any program administration and marketing costs not recovered from GTSR subscribers to be allocated to PG&amp;E shareholders for the first five years of the program.</p> <p>The Decision agrees with TURN that a shareholder backstop is reasonable and will promote cost-effective management of the GTSR program.</p>	<p><u>Rebuttal testimony of Matthew Freedman on the Green Tariff Shared Renewables Program Applications of PG&amp;E and SDG&amp;E, January 21, 2014, pages 19-21.</u></p> <p><u>Opening brief of TURN on the Applications of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, March 21, 2014, page 11</u></p> <p><u>D.15-01-051, page 112.</u></p>	<p>Verified.</p>
<p><b>12. RATE DESIGN / INDIFFERENCE CHARGES</b></p> <p>TURN urged the Commission to approve the application of the Power Charge Indifference Adjustment (PCIA) to GTSR subscribers as a method of ensuring non-participant</p>	<p><u>Opening brief of TURN on the Applications of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, March 21, 2014, page 11</u></p>	<p>Verified.</p>

<p>indifference. TURN expressed concern about creating new methodologies that lack record support and could have significant implications in a wide range of proceedings.</p> <p>The Decision agrees with TURN that the PCIA is an appropriate proxy for basing the GTSR customer indifference amount. In support of this outcome, the Decision cites TURN’s argument that the PCIA is an established charge, does not require new analysis, and avoids the need to develop new approaches to customer indifference that could have far-reaching implications.</p>	<p><u>D.15-01-051, pages 102-103</u></p>	
<p><b>13. RATE DESIGN / RENEWABLE INTEGRATION CHARGE</b></p> <p>TURN urged the Commission to limit the application of a Renewable Integration Charge (RIC) to energy provided from new resources procured to serve GTSR subscriber demands. TURN pointed out that the RIC adopted in D.14-11-042 can only be calculated for new contracts and does not apply to existing resources.</p> <p>The Decision agrees that, because the RIC adder in D.14-11-042 is being applied prospectively, the RIC “should only apply to incremental GTSR projects”. The Decision declines to apply a RIC to existing resources in the utility portfolios unless a different mechanism is developed in another proceeding.</p>	<p><u>Opening brief of TURN addressing Renewable Procurement and Cost Issues Raised by Decision 14-11-042, December 18, 2014, pages 1-3.</u></p> <p><u>D.15-01-051, pages 118-119.</u></p>	<p>Verified.</p>

<p><b>14. RATE DESIGN / SOLAR VALUE ADJUSTMENT</b></p> <p>TURN argued that the Solar Value Adjustment (SVA) methodology proposed by SCE was inconsistent with the requirements of SB 43 and contrary to the approach taken by PG&amp;E and SDG&amp;E. TURN explained that SCE’s approach does not consider the delivery profile of actual resources serving customers or the time of delivery profile of the customer class. TURN urged the Commission to direct SCE to adopt the same approach proposed by PG&amp;E.</p> <p>The Decision agrees with TURN that SCE’s SVA value would not be based on the profile for the Green Tariff pool of resources and therefore does not meet the requirements of SB 43. The Decision orders SCE to conform to the approach used by PG&amp;E and SDG&amp;E and to ensure that the SVA reflects the differences between the time of delivery profile of the generating resource and the customer class.</p>	<p><u>Direct Testimony of Matthew Freedman on the Green Rate Application of SCE, April 11, 2014, pages 12-14</u></p> <p><u>Opening brief of TURN on the Application of SCE for approval of a Green Tariff Shared Renewables Program, May 2, 2014, pages 19-23</u></p> <p><u>D.15-01-051, pages 123-124.</u></p>	<p>Verified.</p>
<p><b>15. RATE DESIGN / IREC PROPOSAL</b></p> <p>TURN opposed two alternative rate design proposals submitted by the Interstate Renewable Energy Council (IREC) as premature and inconsistent with the requirements of SB 43. TURN pointed out that IREC’s proposal would not provide a customer hedge against rising fuel prices and that the cost benefit analysis relied upon is inappropriate and would not preserve ratepayer indifference.</p> <p>The Decision rejects the IREC alternatives noting that they are</p>	<p><u>Reply brief of TURN on the Applications of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, April 9, 2014, pages 5-9</u></p> <p><u>Reply brief of TURN on the Application of SCE for approval of a Green Tariff Shared Renewables Program, May 9, 2014, pages 4-9</u></p> <p><u>D.15-01-051, pages 127-129.</u></p>	<p>Verified.</p>

<p>not consistent with the specific requirements of SB 43 to use the class average generation rate coupled with other specified rate charges and credits. The Decision also agrees with TURN that IREC's proposed cost-benefit analysis would not ensure ratepayer indifference and that promised benefits to customers would not materialize.</p>		
<p><b>16. COMPETITIVE IMPACTS</b> TURN urged the Commission to reject arguments by Shell Energy that the Green Tariff program proposals represent a form of new direct access prohibited by law. TURN argued that the GTSR program is expressly authorized by SB 43 and that offering a green tariff does not transform a utility into a direct access provider. TURN also urged the Commission to reject Shell's proposal to allow direct access providers to offer renewable energy directly to bundled utility customers as a substitute for the utility tariff offerings.</p> <p>The Decision rejects the arguments raised by Shell. Citing TURN's brief, the Decision agrees that a customer opting to subscribe to a green tariff option is not comparable to the customer opting to receive service from a third party direct access provider. The Decision cites TURN's arguments to support the conclusions that the green tariff program does not violate the prohibitions on new direct access, is expressly authorized by statute, and does not transform the utility into a direct access provider. The Decision also declines to adopt an alternative approach proposed by Shell that relies upon direct access providers.</p>	<p><u>Reply brief of TURN on the Applications of PG&amp;E and SDG&amp;E for approval of a green tariff shared renewables program, April 9, 2014, pages 26-29</u></p> <p><u>Reply brief of TURN on the Application of SCE for approval of a Green Tariff Shared Renewables Program, May 9, 2014, pages 13-14.</u></p> <p><u>D.15-01-051, pages 24, 146-148</u></p>	<p>Verified.</p>

<p><b>17. PHASE IV / ECR PROCUREMENT</b></p> <p>TURN urged the use of the Renewable Auction Mechanism for the procurement from Green Tariff and Enhanced Community Renewables projects and to allow projects up to 20 MW in size to become eligible for participation.</p> <p>The Decision agreed to modify the program requirements and eliminate sole reliance on the ReMAT for procurement of Enhanced Community Renewables projects and to allow projects up to 20 MW in size to participate.</p>	<p><u>Reply comments of TURN on the Phase IV Track B Issues, December 9, 2015, page 5</u></p> <p><u>Reply comments of TURN on SB 793 and The Renewables Auction Mechanism as an Enhanced Community Renewables Procurement Tool, December 11, 2015, pages 1-2.</u></p> <p><u>Decision 16-05-006, pages 8-10, 12, Conclusion of Law 3</u></p>	<p>Verified.</p>
<p><b>18. PHASE IV / SB 793</b></p> <p>TURN argued that the provisions of SB 793 (Wolk) do not require the utilities to offer fixed rate subscriptions for durations of up to 20 years and that the current program already allows customers to participate for up to 20 years subject to the variable rate components. TURN also argued for the nonbinding forecast of bill credits and charges to rely upon a five year rolling average applied to the generation rate component and to apply a uniform escalator to the most recently adopted rate components that cannot be forecasted. TURN further proposed that the forecasts be presented with “easy-to-understand caveats” so customers recognize that they are not guaranteed or binding.</p> <p>The Decision rejects proposal to allow subscribers to lock in fixed rates over any period but notes the ability of these customers to remain in the program for a</p>	<p><u>Reply comments of TURN on SB 793 and The Renewables Auction Mechanism as an Enhanced Community Renewables Procurement Tool, December 11, 2015, pages 5-6.</u></p> <p><u>Opening comments of TURN on SB 793 and The Renewables Auction Mechanism as an Enhanced Community Renewables Procurement Tool, November 20, 2015, pages 1-4.</u></p> <p><u>D.16-05-006, pages 21-22, 26-28, Conclusion of Law 15</u></p>	<p>Verified.</p>

<p>period of up to 20 years. The Decision also adopts TURN's proposal to use a five-year rolling average for the generation rate and to apply a uniform escalator (CPI-W) to a number of other charges and credits. Finally, the Decision agrees that the presentation of these forecast must be clear that they are easy to understand and "non-binding".</p>		
<p><b>19. PHASE IV/GHG DISCLOSURE</b></p> <p>TURN argued that there is no uniform methodology adopted by any state agency for calculating the Greenhouse Gas (GHG) emissions rate associated with retail electricity products and urged the Commission to prohibit retail sellers from making GHG claims relating to retail electricity products. TURN further noted that the Commission should not adopt a uniform approach since Legislature is considering the adoption of AB 1110 that establish parameters for disclosure. Finally, TURN noted that this prohibition is consistent with prior direction provided by the CPUC Executive Director prohibiting the inclusion of GHG data on any joint mailings by PG&amp;E and Community Choice Aggregators.</p> <p>The Decision agrees that there is no relevant statewide methodology to calculate a GHG emissions rate, that it would be preferable to wait until such a methodology is established either through new legislation or by the California Energy Commission, and that the GTSR program may not be marketed by making claims about GHG emissions consistent</p>	<p><u>Opening comments of TURN on Phase IV Track B Issues, November 9, 2015, pages 6-8.</u></p> <p><u>Reply comments of TURN on the Phase IV Track B Issues, December 9, 2015, pages 1-3.</u></p> <p><u>D.16-05-006, pages 30-32.</u></p>	<p>Verified.</p>

with the prior direction provided by the CPUC Executive Director to Marin Clean Energy, Sonoma Clean Power and PG&E.		
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**A. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor's Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?<sup>1</sup></b>	<b>Yes</b>	<b>Verified.</b>
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	<b>Yes</b>	<b>Verified.</b>
<b>c. If so, provide name of other parties:</b> Sierra Club California, California Clean Energy Committee, Black Economic Council, National Asian American Coalition, Latino Business Chamber of Greater Los Angeles		Agreed.
<b>d. Intervenor's claim of non-duplication:</b>  TURN provided a variety of unique positions in this proceeding that were not shared with most other parties. Specifically, TURN supported specific procurement, rate design and program structure proposals that were different from those offered by an array of other intervenors. TURN engaged in detailed analysis of these proposals, offered extensive policy, legal and factual arguments, and covered a far wider range of issues than any other intervenor.  Most other parties and intervenors did not support TURN's positions and TURN actively opposed a number of proposals made by other parties. TURN and ORA were not aligned on most issues, with TURN actively litigating against ORA's positions with respect to program design, procurement rules, and rate credits. TURN also opposed a variety of positions taken by solar industry interests such as the Interstate Renewable Energy Council, the Solar Energy Industries Association, and Vote Solar.  Due to an alignment of positions between TURN and several other intervenors, these parties worked together to reach a partial settlement relating to PG&E's program that was submitted in early 2013. By engaging in settlement negotiations, TURN was able to limit duplication and attempt to resolve a number of issues before the submission of testimony and briefs. The settling parties continued to coordinate throughout the remainder of the proceeding.  Given that TURN offered a unique perspective not shared by any other intervenor, and coordinated extensively with intervenors who shared TURN's positions, the Commission should conclude that no reductions in compensation are warranted based on duplication of effort.		Verified. TURN did not engage in excessive duplication with other parties.

<sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

**B. Additional Comments on Part II (use line reference # or letter as appropriate):**

#	Intervenor's Comment	CPUC Discussion
1	TURN devoted a small number of hours to evaluating implementation advice letters, attending workshops, and reviewing materials from the external advisory groups established by D.15-01-051. The Commission authorized work on these activities to be eligible for intervenor compensation in D.15-01-051 (pages 88-89). TURN performed the minimum activity required to be able to ensure that the implementation of the many requirements in D.15-01-051 was consistent with the requirements established in the Decision. Given the small number of hours involved, and the important of encouraging participation in post-decision implementation by intervenors who were active in the other portions of the proceeding, TURN requests that the Commission find such hours to be reasonable and compensable as part of this request.	The Commission agrees that the claimed hours are compensable as part of the present request.

**PART III: REASONABLENESS OF REQUESTED COMPENSATION****A. General Claim of Reasonableness (§ 1801 and § 1806):**

<p>TURN's participation assisted the Commission in assessing the reasonableness of the SB 43 program structure for SCE, PG&amp;E, and SDG&amp;E. The results of TURN's participation can be found in almost every element of the program design adopted by the Commission. The breadth of TURN's substantial contributions demonstrate the benefits of its participation in this proceeding.</p> <p>Specifically, TURN's early participation resulted in PG&amp;E abandoning its primary proposal in favor of a settlement based on the structure outlined in TURN's testimony. That settlement became PG&amp;E's proposal that was adopted, with modifications, by the Commission. Under the settlement, PG&amp;E committed to procuring renewable energy from new, local projects under long-term contracts and charging subscribers based on the actual cost of the energy from these facilities.</p> <p>As a result of TURN's litigation efforts, the Commission rejected SCE's proposal to rely exclusively on existing portfolio resources to serve Green Tariff subscribers. TURN was the only party to actively oppose core elements of SCE's proposed program. TURN successfully persuaded the Commission to require SCE to engage in incremental procurement of new solar resources on behalf of Green Tariff subscribers.</p> <p>TURN's focus on the importance of advance procurement led the Commission to direct the three utilities to procure at least 110 MW from new local solar facilities at the outset of the program. TURN was the primary party arguing for aggressive advanced procurement. These facilities, once online, will allow these utilities to offer incremental renewable generation to subscribers at attractive prices that reflect current market conditions.</p> <p>TURN's work on program rate design assisted the Commission in approving approaches ensuring that both subscribers and non-participants are treated fairly and that ratepayer indifference is preserved. TURN's contributions also ensured that subscribers receive a meaningful hedge against changes in utility rates over time,</p>	<p><b>CPUC Discussion</b></p> <p>Verified.</p>
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<p>thereby providing price stability benefits tied to the fixed pricing for renewable resources.</p> <p>Taken together, the benefits obtained by TURN far exceed the cost of TURN's participation in these three consolidated proceedings. TURN's claim should be found to be reasonable.</p>	
<p><b>b. Reasonableness of hours claimed:</b></p> <p>Given the comprehensive showing made by TURN in this proceeding, and efficiency of its work on a large set of complex issues, the amount of time devoted by its staff and consultants is fully reasonable.</p> <p>TURN retained the services of JBS Energy to assist with initial testimony in response to the PG&amp;E application. John Sugar assisted TURN with research and discovery and drafted prepared testimony outlining flaws with PG&amp;E's proposal and outlining an alternative approach.</p> <p>Matthew Freedman was the lead attorney for TURN in this proceeding. Mr. Freedman drafted all pleadings and participated in two sets of evidentiary hearings. Due to his expertise on many of the core issues, Mr. Freedman also served as an expert witness and sponsored prepared testimony in two separate phases of the proceeding. By having Mr. Freedman serve as both an attorney and a witness, TURN was able to achieve significant efficiencies and enhanced productivity that reduced the total number of hours required for participation in the proceeding.</p> <p>Mr. Freedman was assisted by several other TURN attorneys over the course of the proceeding. Nina Suetake served as the lead attorney for TURN in late 2012 during a period when Mr. Freedman was on extended leave. Marcel Hawiger provided limited assistance with the review of Mr. Freedman's prepared testimony. Hayley Goodson attended evidentiary hearings and served as Mr. Freedman's attorney when he was subjected to cross-examination. Finally, TURN energy analyst Eric Borden represented TURN at a prehearing conference when no attorney was available due to scheduling and workload issues.</p> <p><u>Compensation Request</u></p> <p>TURN's request also includes 17.75 hours devoted to the preparation of compensation-related filings. The time devoted to this compensation request is appropriate and should be found to be reasonable.</p>	Verified.
<p><b>c. Allocation of hours by issue:</b></p> <p>TURN has allocated all of our attorney and consultant time by issue area or activity, as evident on our attached timesheets. The following codes relate to specific substantive issue and activity areas addressed by TURN. TURN also provides an approximate breakdown of the number of hours spent on each task and the percentage of total hours devoted to each category.</p> <p><b>GP – 56 hours – 10% of total</b></p> <p>General Participation work essential to participation that typically spans multiple issues and/or would not vary with the number of issues that TURN addresses. This includes reviewing the initial applications and Commission rulings, initial review of utility filings and motions, reviewing responses to data requests submitted by other parties,</p>	Verified.

<p>reviewing pleadings submitted by other parties, review of reviewing rulings by the Commission, and review of the proposed decision. Also includes work coordinating with other parties.</p> <p><b>EH – 90 hours – 16% of total</b>  Work relating to attendance at Prehearing conferences, workshops, and evidentiary hearings held at the Commission. Also includes time spent preparing for these events, transcript review, and other activities directly related to attendance and participation.</p> <p><b>PG&amp;E / SETT – 115 hours – 21% of total</b>  Work relating the negotiation of a settlement with PG&amp;E over its original application. Includes time spent negotiating the settlement, defending the settlement, promoting adoption of the settlement, and working on joint pleadings with the settling parties.</p> <p><b>PROCURE – 121 hours – 22% of total</b>  Work relating to the procurement framework for the GTSR programs of all three utilities. Includes advance procurement, use of unbundled RECs, bid selection criteria, use of existing RPS resources, the applicability of an RPS backstop, and SCE’s proposal to rely entirely on existing portfolio resources to serve subscribers.</p> <p><b>ECR – 39 hours – 7% of total</b>  Work relating to the Enhanced Community Renewables proposals of all three utilities and the proposal by the City of Davis to administer its own program.</p> <p><b>PROGDES – 33.15 hours – 6% of total</b>  Work relating to the design of the GTSR program including customer subscription rules, the duration of the overall programs, PG&amp;E’s proposed shareholder backstop for M&amp;A costs, and other criteria for participation.</p> <p><b>RATE – 55 hours – 10% of total</b>  Work relating to the design of retail rates for GTSR program subscribers. Includes the applicability of indifference charges, the Renewable Integration Charge, the calculation of the solar value adjustment, and the proposal by IREC to substitute an alternative rate credit approach.</p> <p><b>COMP IMPACTS – 16 hours – 3% of total</b>  Work relating to the competitive impacts of the SB 43 programs including the relationship to direct access, the relevant of affiliate transaction rules, and whether electric service providers should be permitted to participate.</p> <p><b>PHASE IV – 26.25 hours – 5% of total</b>  Work relating to all issues resolved in Phase IV of this proceeding including requirements for ECR procurement, the applicability of SB 793, and Greenhouse Gas disclosure rules.</p> <p><b>IMP – 5.5 hours – 1% of total</b>  Work relating to implementation of D.15-01-051 including the review of advice letter filings, presentations provided to external advisory groups, and other activities necessary to ensure compliance with specific Commission direction to the utilities.</p>	
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<p><b>COMP – 17.75 hours</b>  Work preparing TURN’s three notices of intent to claim compensation and the final request for compensation.</p> <p>Hours that were multi-issue in nature were coded as follows:</p> <p># -- allocated 40% PROCURE / 25% RATE DESIGN / 20% PROGDES / 10% COMP IMPACTS / 5% ECR</p> <p>% -- allocated 60% PROCURE / 30% RATE DESIGN / 10% ECR</p> <p>TURN submits that under the circumstances this information should suffice to address the allocation requirement under the Commission’s rules. Should the Commission wish to see additional or different information on this point, TURN requests that the Commission so inform TURN and provide a reasonable opportunity for TURN to supplement this showing accordingly.</p>	
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**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Matthew Freedman	2012	39.25	375	D.15-05-019; D.15-10-015; D.15-11-040	14,718.75	39.25	375.00	14,718.75
Matthew Freedman	2013	169	400	D.14-11-019	67,600.00	169.00	400.00	67,600.00
Matthew Freedman	2014	210.75	410	D.15-06-021; D.15-08-023	86,407.50	210.75	410.00	86,407.50
Matthew Freedman	2015	44.5	410	D.15-11-040; D.15-12-043	18,245.00	44.5	410.00	18,245.00
Matthew Freedman	2016	8.75	415	D.16-06-024	3,631.25	8.75	415.00	3,631.25
Hayley Goodson	2014	3	355	D.15-07-034; D.15-07-034; D.15-07-028	1,065.00	3.00	355.00	1,065.00
Eric Borden	2015	4.25	180	D.16-05-015	765.00	4.25	180.00	765.00
Nina Suetake	2012	15.25	315	D.15-01-016; D.15-07-027; D.15-08-016	4,803.75	15.25	315.00	4,803.75
Marcel Hawiger	2014	0.5	410	D.15-06-021; D.15-08-023	205.00	0.50	410.00	205.00
John Sugar	2012	57.47	205	D.14-12-073; D.15-08-023	11,781.35	57.47	205.00	11,781.35
John Sugar	2013	2.57	210	D.15-08-023; D.15-12-041	539.70	2.57	210.00	539.70

Subtotal: \$209,762.30						Subtotal: \$ 209,762.30		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hou rs	Rate	Total \$
Matthew Freedman	2012	1.75	\$187.50	D.15-05-019 (@50% of \$375)	328.13	1.75	187.50	328.13
Matthew Freedman	2014	1	\$205	D.15-06-021 (@50% of \$410)	205.00	1	205.00	205.00
Matthew Freedman	2016	15	\$205	D.16-06-024 (@ 50% of \$415)	3,112.50	15	207.50	3,112.50
Subtotal: \$3,645.63						Subtotal: \$3,645.63		
COSTS								
#	Item	Detail			Amount	Amount		
1	Copies	Copies for pleadings and hearings			165.68	165.68		
2	Postage	Costs of mailing copies of pleadings			40.93	40.93		
Subtotal: \$206.61						Subtotal: \$206.61		
TOTAL REQUEST: \$ 213,614.54						TOTAL AWARD: \$213,614.54		
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate</p>								
ATTORNEY INFORMATION								
Attorney		Date Admitted to CA BAR <sup>2</sup>		Member Number		Actions Affecting Eligibility (Yes/No?)		
Matthew Freedman		March 29, 2001		214812		No.		
Marcel Hawiger		January 23, 1998		194244		No.		
Hayley Goodson		December 5, 2003		228535		No.		
Nina Suetake		December 14, 2004		234769		No.		

<sup>2</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

**C. PART IV: OPPOSITIONS AND COMMENTS**

**Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))**

<b>A. Opposition: Did any party oppose the Claim?</b>	No.
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?</b>	Yes.

**FINDINGS OF FACT**

1. The Utility Reform Network has made a substantial contribution to Decision 15-01-051 and Decision 16-05-006.
2. The requested hourly rates for The Utility Reform Network's representatives are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$213,614.54.

**CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

**ORDER**

1. The Utility Reform Network shall be awarded \$213,614.54.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric, and Southern California Edison Company shall pay The Utility Reform Network their respective shares of the award, based on their California-jurisdictional electric revenues for the 2015 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning October 1, 2016, the 75th day after the filing of Intervenor's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

4. This decision is effective today.

Dated September 29, 2016, at San Francisco, California.

MICHAEL PICKER  
President  
MICHEL PETER FLORIO  
CATHERINE J.K. SANDOVAL  
LIANE M. RANDOLPH  
Commissioners

Carla J. Peterman, being necessarily absent,  
did not participate.

**APPENDIX****Compensation Decision Summary Information**

<b>Compensation Decision:</b>	D1609054	<b>Modifies Decision?</b>	
<b>Contribution Decision(s):</b>	D1501051, D1605006		
<b>Proceeding(s):</b>	A1201008		
<b>Author:</b>	ALJ Cooke		
<b>Payer(s):</b>	Pacific Gas and Electric Company, San Diego Gas & Electric, and Southern California Edison Company		

**Intervenor Information**

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
The Utility Reform Network (TURN)	7/18/2016	\$213,614.54	\$213,614.54	N/A	N/A

**Advocate Information**

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Matthew	Freedman	Attorney	TURN	375.00	2012	375.00
Matthew	Freedman	Attorney	TURN	400.00	2013	400.00
Matthew	Freedman	Attorney	TURN	410.00	2014	410.00
Matthew	Freedman	Attorney	TURN	410.00	2015	410.00
Matthew	Freedman	Attorney	TURN	415.00	2016	415.00
Hayley	Goodson	Attorney	TURN	355.00	2014	355.00
Eric	Borden	Expert	TURN	180.00	2015	180.00
Nina	Suetake	Attorney	TURN	315.00	2012	315.00
Marcel	Hawiger	Attorney	TURN	410.00	2014	410.00
John	Sugar	Expert	TURN	205.00	2012	205.00
John	Sugar	Expert	TURN	210.00	2013	210.00

**(END OF APPENDIX)**